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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,631	12/14/2000	Charles M. Link II	BELL-0023/99213	8042

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06/06/2003

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.  
**09/736,631**

Applicant(s)  
**Link, II et al.**

Examiner  
**Stella Woo**

Art Unit  
**2643**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-7, 9-14, 16-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Duphorne (US 6,212,265 B1).

Regarding claims 1-2, 9-10, 16-17, 24-29, Duphorne discloses a computing device (email notification device 20) for receiving notification of a new incoming message (email message) at a message server (ISP email server 16a) and for retrieving the message (col. 7, line 66 - col. 8, line 3), the computing device including a communications device (signal receiving means 71; Figure 7; col. 8, lines 10-19) for coupling with a communications line (coupled to user's local loop telephone line 22 via RJ11 connector 20a; col. 7, lines 12-18), the communications line 22 being coupled to a communications system (central office 14 and PSTN 12; Figure 1), the

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communications system in turn being coupled to the message server (CO 14 coupled to email server 16a via Internet 15), the communications device implementing an on-hook signaling protocol for receiving data (email notification signal is received via CallerID protocol; col. 3, line 48 - col. 4, line 31; col. 6, line 55 - col. 7, line 11).

Regarding claims 3, 11, device 20 can be used to contact the email server and retrieve the new email message (col. 7, line 66 - col. 8, line 3).

Regarding claims 4, 12, device 20 annunciates the presence of the email awaiting retrieval by providing audible and visual alerts using speaker 20c and light emitting means 20d (col. 7, lines 48-51).

Regarding claim 5, device 20 is housed in a small structure (col. 7, lines 11-20).

Regarding claims 6-7, 13-14, 18, device 20 includes a modem (col. 7, lines 66-67).

Regarding claims 19-20, note user notification parameter database 14c and query software (col. 4, line 32 - col. 6, line 48; col. 10, line 50 - col. 11, line 2).

Regarding claims 21-23, communications system 10 includes an email server 14d at the central office 14 which communicates with ISP email server 16a via Internet 15 (Figure 1).

Regarding claim 28, Duphorne provides for notifying via a stutter dial tone with the device periodically accessing the local loop telephone line to listen for the stutter tone (col. 10, lines 1-30).

Method claims 30-43 recite steps carried out by the system of Duphorne as described above.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duphorne in view of Paarsmarkt et al. (US 6,118,856, hereinafter "Paarsmarkt").

Duphorne differs from claims 8 and 15 in that although it suggests the use of other signaling protocols (col. 6, lines 44-54), it does not specify implementing an ADSI protocol. However, Paarsmarkt teaches the well known use of ADSI signaling for email communications (col. 3, lines 54-59; col. 5, lines 2-8, 32-53) such that it would have been obvious to an artisan of ordinary skill to incorporate such well known use of ADSI protocol, as taught by Paarsmarkt, within the system of Duphorne for communicating email notification messages to an ADSI telephony device.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tyroler, Nada et al., Wang, and Yariv show other email notification systems.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

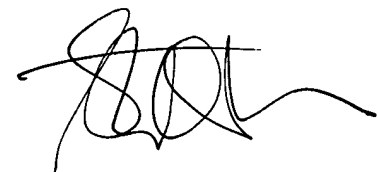
**or faxed to:**

(703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

June 2, 2003



**STELLA WOO  
PRIMARY EXAMINER**